

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
SAFETY AWARENESS BOARD**

Thursday, January 19, 2012

8:30 A.M.

In attendance: Eric Anderson

Wayne Coulombe

Nicholas Giardino

James Jackson

Joseph Sabitoni, Chair

Bernard Trembl

Mark Ryan, Investigator

Benjamin Copple, Legal Counsel

Not in attendance: Timothy Byrne, Robin Coia and Edgar Ladouceur

Meeting was called to order at 8:42 am by Joseph Sabitoni. A quorum was present. Eric Anderson arrived as voting on the appeal hearings was taking place and did not participate in voting.

Minutes:

Regarding the minutes of the November 17, 2011 meeting; James Jackson made a motion to accept the minutes; seconded by Nicholas

Giardino and passed unanimously by the board.

Hearings:

- 1.) Hinding Tennis Courts – Violation #4126**
- 2.) Jose Cruz – Violation #4127**
- 3.) Erick Cruz – Violation #4128**
- 4.) Ramon Hernandez – Violation 4129**

Jose Cruz; Thomas Hinding, owner of Hinding Tennis Courts; and Mark Ryan, Investigator are sworn in for testimony. Erick Cruz and Ramon Hernandez are not in attendance.

Mark Ryan, Investigator, presents the violation: On July 27, 2011, Mark T. Ryan, Prevailing Wage Investigator, visited the University of Rhode Island replacement of tennis courts project and interviewed Jose Cruz, Erick Cruz and Ramon Hernandez of Hinding Tennis Courts. These individuals were working on the project without OSHA-10 Hour certification. This is a violation of RIGL 37-23-1 “Safety awareness program required”. Therefore, violations 4126 (Hinding Tennis Courts), 4127 (Jose Cruz), 4128 (Erick Cruz) and 4129 (Ramon Hernandez) were issued.

Thomas Hinding, owner of Hinding Tennis Courts, provides testimony. A copy of the Outreach Training Program Report is submitted into the administrative record as Exhibit A. Copies of OSHA 10 cards for Jose Cruz and Thomas Hinding are submitted into

the record as Exhibit B.

Regarding Violation 4126 – Hinding Tennis Courts: Nicholas Giardino made a motion that based on testimony presented; the violation did occur; seconded by Wayne Coulombe and passed unanimously by the board. Nicholas Giardino made a motion to suspend the fine of \$1,500.00 for a period of one (1) year pending no further violations during that time; seconded by Wayne Coulombe. The vote was three (3) to one (1) with James Jackson in opposition. The motion carries.

Regarding Violation 4127 – Jose Cruz: Nicholas Giardino made a motion that, based on testimony presented, the violation did in fact occur; seconded by Wayne Coulombe. The vote was three (3) to one (1) with James Jackson in opposition. The motion carries. Wayne Coulombe made a motion that the fine of \$250.00 be suspended for one (1) year pending no further violations; seconded by Nicholas Giardino. There was no opposition. The motion carries.

Regarding Violation 4128 – Erick Cruz: Nicholas Giardino, based on the evidence presented, made a motion that the violation did in fact occur; seconded by Bernard Treml. There was no opposition. The motion carries. Wayne Coulombe made a motion that the penalty of \$250.00 be suspended of one (1) year; seconded by Nicholas Giardino. There was no opposition. The motion carries.

Regarding Violation 4129 – Ramon Hernandez: Nicholas Giardino,

based on the evidence presented, made a motion that the violation did in fact occur; seconded by Bernard Trembl. There was no opposition. The motion carries. Wayne Coulombe made a motion that the fine of \$250.00 be suspended for one year; seconded by Nicholas Giardino. There was no opposition. The motion carries.

The recommendations of the board will be forwarded to the Director.

End of hearings.

November Appeal Decisions:

Mark Ryan provided the Board with the decisions from the last hearing.

Adjournment:

A motion to adjourn was made by Nicholas Giardino, seconded by Bernard Trembl and passed unanimously by the Board.

The meeting adjourned at approximately 9:05am.

The next meeting is scheduled for Thursday, February 16, 2012 at 8:30 am.